

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
WALTER P. HUGHES,)	
)	
Plaintiff,)	
)	
v.)	Civil Docket No. 04 11662 NMG
)	
THOMAS McMENAMON, JR.)	
)	
and)	
)	
AMERICA ONLINE, INC.,)	
)	
Defendants.)	
_____)	

**APPENDIX TO DEFENDANT
AMERICA ONLINE, INC.'S MOTION TO DISMISS**

Patrick J. Carome
Samir Jain
WILMER CUTLER PICKERING
HALE AND DORR LLP
2445 M Street NW
Washington, DC 20037
Phone: (202) 663-6000
Fax: (202) 663-6363

Benjamin M. Stern (MAB646778)
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
Phone: (617) 526-6000
Fax: (617) 526-5000

October 4, 2004

Attorneys for America Online, Inc.

LIST OF EXHIBITS

Exhibit

- 1 Complaint ("Compl. I")
- 2 Defendant America Online, Inc.'s Motion to Dismiss
- 3 Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction
- 4 Defendant America Online's Response to Plaintiff's Motion for a Temporary Restraining Order
- 5 Order, Defendant American Online, Inc.'s Motion to Dismiss (#9)
- 6 Memorandum and Order on Defendant America Online, Inc.'s Motion for Summary Judgment on the Forum Selection Clause
- 7 Plaintiff's Rule 60(b)(3) Motion to Set Aside Judgment Ordered on Defendant America Online, Inc.'s Motion for Summary Judgment on the Forum Selection Clause (#47) Dated May 28, 2002
- 8 Defendant America Online's Response to Plaintiff's Motion to Set Aside the Judgment
- 9 Order, Plaintiff's Rule 60(b)(3) Motion to Set Aside Judgment Ordered on Defendant America Online, Inc.'s Motion for Summary Judgment on the Forum Selection Clause (#47) Dated May 28, 2002
- 10 Complaint ("Compl. II")
- 11 Order - February 6, 2004
- 12 Independent Action, Pursuant to Rule 60(b), Federal Rules of Civil Procedure, to Set Aside Judgments Ordered in Federal District Court of Massachusetts Civil Action No. CV-01-10981 ("Compl. III")